



USPTO  
OFFICE OF PETITIONS  
DIVISION

Docket No.: 02420/1001129-US2  
2009 DEC 15 PM 4:19 (PATENT)

filed  
DAC (1-28)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:  
Mt. Sinai School of Medicine

Patent No.: 6,972,181

Issued: December 6, 2005

For: DIFFERENTIAL DIAGNOSIS OF CANCER  
AND OTHER CONDITIONS BASED ON  
EXPRESSION OF p63

RECEIVED

DEC 24 2009

OFFICE OF PETITIONS

**REQUEST TO EXCUSE ERROR IN SMALL ENTITY STATUS**  
**UNDER 37 CFR § 1.28(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Small entity was established in good faith upon filing, and fees as a small entity were paid in good faith during pendency of the application. However, since issuance, the subject patent has been licensed to a large entity holder. On June 8, 2009, the first maintenance fee (large entity fee) was submitted to the USPTO together with a letter of assertion claiming large entity status. The Patent Office has corrected the entity status, but reflects the maintenance fee payment as small entity in error. Applicant respectfully requests that the error be corrected under 37 CFR § 1.28(c). An itemization of the total deficiency payment is provided in the following table:

12/17/2009 MBANGURA 00000041 040100 6972181  
01 FC:1559 490.00 DA

Patent No.: 6,972,181

Docket No.: 02420/100I129-US2

Type of fee erroneously paid as small entity	Current fee amount for non-small entity	Small Entity Fee Actually Paid	Date Small Entity Fee Actually Paid	Deficiency owed amount
Patent Maintenance Fee Due at 3.5 years	980.00	490.00	06/08/09	490.00
Total Deficiency Amount Owed				\$490.00

The Commissioner is authorized to charge the amount of \$490.00 covering the total deficiency to Deposit Account 04-0100. The Commissioner is authorized to charge any deficiency or credit any excess in this fee due with this submission to Deposit Account 04-0100.

Dated: December 8, 2009

Respectfully submitted,

By


  
S. Peter Ludwig

Registration No.: 25,351

DARBY &amp; DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant